

MINUTES

MONTANA SENATE 64th LEGISLATURE - REGULAR SESSION COMMITTEE ON NATURAL RESOURCES

Call to Order: Chair Chas Vincent, on February 18, 2015 at 3:00 PM, in Room 303 Capitol

ROLL CALL

Members Present:

Sen. Chas Vincent, Chair (R)
Sen. Rick Ripley, Vice Chair (R)
Sen. John Brenden (R)
Sen. Pat Connell (R)
Sen. Jennifer Fielder (R)
Sen. Bradley Hamlett (D)
Sen. Brian Hoven (R)
Sen. Christine Kaufmann (D)
Sen. Jim Keane (D)
Sen. Cliff Larsen (D)
Sen. Mike Phillips (D)

Members Excused: Sen. Duane Ankney (R)

Members Absent: None

Staff Present: Taylor Fridrich, Committee Secretary
Sonja Nowakowski, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 323, 2/16/2015; SB 325, 2/16/2015; SB 329, 2/16/2015; SB 355, 2/16/2015

Executive Action: SB 261 - Do Pass as Amended
SB 118 - Do Pass as Amended
SB 215 - Be Tabled
SB 218 - Be Tabled
SB 273 - Be Tabled

HEARING ON SB 325

Opening Statement by Sponsor:

00:01:56 Sen. Jim Keane (D), SD 38, opened the hearing on SB 325, Revise process for adopting water quality regulations.

Proponents' Testimony:

00:05:32 Matt Moore, Butte Silver Bow
00:08:09 Leo Berry, Great Northern Properties (GNP)
00:08:58 Dave Galt, executive director, Montana Petroleum Association (MPA)
00:09:21 Bud Clinch, executive director, Montana Coal Council
00:09:57 Larry Bonderud, mayor, City of Shelby

Opponents' Testimony:

00:10:24 Beth Kaeding, Northern Plains Resource Council (NPRC)
[EXHIBIT\(nas37a01\)](#)

00:14:03 Derf Johnson, Montana Environmental Information Center (MEIC)
[EXHIBIT\(nas37a02\)](#)

00:16:51 Shelbi Dantic, Montana Conservation Voters (MCV)
00:17:10 Ron Brey, self
00:17:50 Claudia Narcisco, self
00:21:03 Mary LaPorte, self
00:22:07 Wendy Marsh, self
00:22:31 Brenda Lindlief-Hall, Tongue River Water Users Association (TRWUA)
00:24:59 Amy Seaman, Montana Audubon (MA)

Informational Testimony:

00:26:01 George Mathieus, Department of Environmental Quality (DEQ)

Questions from Committee Members and Responses:

00:26:24 Sen. Phillips
00:27:09 Mr. Mathieus, DEQ
00:27:36 Sen. Phillips
00:27:59 Mr. Mathieus
00:28:08 Sen. Phillips
00:28:50 Sen. Keane
00:29:35 Sen. Kaufmann
00:30:00 Mr. Johnson, MEIC
00:31:02 Sen. Ripley
00:31:54 Ms. Lindlief-Hall, TRWUA

00:32:48 Sen. Brenden left the hearing.

00:33:02 Sen. Ripley
 00:33:20 Ms. Lindlief-Hall
 00:33:27 Sen. Ripley
 00:33:43 Ms. Lindlief-Hall
 00:34:09 Sen. Hamlett
 00:34:35 Sen. Phillips
 00:35:03 Sen. Keane
 00:35:37 Sen. Phillips
 00:35:53 Sen. Keane
 00:36:06 Sen. Kaufmann
 00:36:39 Mr. Mathieus
 00:37:42 Sen. Kaufmann
 00:38:12 Sen. Keane
 00:38:42 Chairman Vincent
 00:38:52 Sen. Hoven
 00:39:36 Mr. Mathieus
 00:40:14 Sen. Phillips
 00:40:44 Mr. Mathieus
 00:40:54 Sen. Phillips
 00:41:00 Mr. Mathieus
 00:41:29 Sen. Phillips
 00:41:59 Mr. Mathieus
 00:42:17 Sen. Larsen
 00:42:53 Mr. Mathieus
 00:43:20 Chairman Vincent
 00:43:39 Ms. Lindlief-Hall
 00:44:07 Chairman Vincent
 00:44:29 Ms. Lindlief-Hall
 00:45:29 Chairman Vincent
 00:45:37 Ms. Lindlief-Hall
 00:46:38 Chairman Vincent
 00:47:02 Ms. Lindlief-Hall
 00:48:20 Chairman Vincent
 00:48:51 Sen. Keane
 00:48:58 Chairman Vincent

Closing by Sponsor:

00:49:07 Sen. Keane
 00:51:30 Sen. Phillips

HEARING ON SB 323

Opening Statement by Sponsor:

00:52:22 Sen. Jennifer Fielder (R), SD 7, opened the hearing on SB 323, Require state intervention in federal projects.

Proponents' Testimony: None

Opponents' Testimony: None

00:57:23 Bob Harrington, administrator, Forestry Division, Department of Natural
Resources and Conservation (DNRC)
01:01:08 Stan Frasier, Helena Hunters and Anglers Association (HHAA)
01:04:50 Claudia Narcisco, self

Informational Testimony:

01:07:56 Jon Bennion, Department of Justice (DOJ)

Questions from Committee Members and Responses:

01:08:11 Sen. Keane
01:08:35 Mr. Bennion, DOJ
01:09:15 Sen. Keane
01:09:28 Mr. Bennion
01:09:54 Sen. Kaufmann
01:10:10 Mr. Bennion
01:10:55 Sen. Kaufmann
01:11:08 Mr. Bennion
01:11:45 Sen. Kaufmann
01:11:58 Mr. Bennion
01:12:34 Sen. Connell
01:13:10 Mr. Harrington, DNRC
01:14:41 Sen. Connell
01:15:04 Mr. Harrington
01:15:45 Sen. Connell
01:16:18 Mr. Harrington
01:16:56 Sen. Phillips
01:17:30 Mr. Bennion
01:18:29 Sen. Phillips
01:18:46 Mr. Bennion
01:18:51 Sen. Phillips
01:19:17 Sen. Fielder
01:19:36 Chairman Vincent
01:21:23 Mr. Harrington
01:23:45 Chairman Vincent
01:24:46 Mr. Harrington
01:25:13 Chairman Vincent
01:25:51 Mr. Harrington
01:26:48 Chairman Vincent
01:27:22 Mr. Frasier, HHAA
01:27:36 Chairman Vincent
01:29:48 Mr. Frasier
01:31:20 Chairman Vincent
01:31:29 Mr. Frasier
01:31:39 Chairman Vincent
01:32:09 Sen. Kaufmann
01:32:18 Chairman Vincent

01:32:47 Sen. Hamlett
01:33:35 Mr. Bennion
01:34:24 Sen. Hamlett
01:34:46 Mr. Bennion

Closing by Sponsor:

01:35:53 Sen. Fielder

HEARING ON SB 329

Opening Statement by Sponsor:

01:43:17 Sen. Pat Connell (R), SD 43, opened the hearing on SB 329, Limit liability for aviation on state lands.

Proponents' Testimony:

01:45:27 Carmine Mowbray, Recreational Aviation Foundation (RAF)
[EXHIBIT\(nas37a03\)](#)

01:48:34 Chuck Flynn, Montana Pilots Association (MPA)

Opponents' Testimony:

01:49:03 Al Smith, Montana Trial Lawyers Association (MTLA)

Informational Testimony:

01:51:29 Shawn Thomas, Department of Natural Resources and Conservation (DNRC)
01:51:43 Debbie Alke, Department of Transportation (MDT)

Questions from Committee Members and Responses:

01:52:04 Sen. Keane
01:52:21 Ms. Alke, MDT
01:52:27 Sen. Phillips
01:52:55 Sen. Connell
01:53:45 Chairman Vincent
01:53:56 Sen. Connell

Closing by Sponsor:

01:54:48 Sen. Connell

01:56:07 Recess

02:10:00 Reconvene

EXECUTIVE ACTION ON SB 261

02:10:18 **Motion:** Sen. Hamlett moved that **SB 261 DO PASS.**

02:10:41 **Motion:** Sen. Connell moved that **SB 261 BE AMENDED.**
EXHIBIT(nas37a04)

Discussion:

02:11:36 Sen. Phillips

02:12:09 **Vote:** Motion carried unanimously by voice vote. Sen. Ankney voted by proxy.
Sen Brenden was excused.

02:12:33 **Motion:** Sen. Hamlett moved that **SB 261 DO PASS AS AMENDED.**

02:12:54 **Motion:** Sen. Hamlett moved that **SB 261 BE AMENDED.**
EXHIBIT(nas37a05)

Discussion:

02:13:05 Sonja Nowakowski, research analyst, Legislative Services Division (LSD)

02:13:52 **Vote:** Motion carried unanimously by voice vote. Sen. Ankney voted by proxy.
Sen Brenden was excused.

02:14:08 **Motion:** Sen. Hamlett moved that **SB 261 DO PASS AS AMENDED.**

Discussion:

02:14:19 Sen. Fielder
02:15:18 Sen. Hamlett
02:15:53 Sen. Connell
02:17:45 Sen. Fielder
02:18:25 Sen. Hamlett
02:18:33 Sen. Ripley
02:19:05 Sen. Hamlett

02:19:50 **Vote:** Motion carried 10-2 by roll call vote with Sen. Brenden and Sen. Fielder
voting no. Sen. Ankney and Sen. Brenden voted by proxy.

EXECUTIVE ACTION ON SB 215

02:21:01 **Motion:** Sen. Fielder moved that **SB 215 DO PASS.**

02:22:03 **Substitute Motion/Vote:** Sen. Ripley made a substitute motion that **SB 215 BE
TABLED.** Substitute Motion carried 11-1 by roll call vote with Sen. Fielder voting
no. Sen. Ankney and Sen. Brenden voted by proxy.

EXECUTIVE ACTION ON SB 218

02:24:57 **Motion:** Sen. Ripley moved that **SB 218 BE TABLED.**

Discussion:

02:25:12 Sen. Kaufmann
02:25:31 Chairman Vincent

02:25:46 **Substitute Motion:** Sen. Kaufmann made a substitute motion that **SB 218 DO PASS.**

Discussion:

02:26:28 Sen. Phillips
02:26:47 Sen. Kaufmann
02:27:53 Sen. Fielder
02:28:24 Sen. Larsen

02:29:13 **Vote:** Substitute motion failed 2-10 by roll call vote with Sen. Kaufmann and Sen. Phillips voting aye. Sen. Ankney and Sen. Brenden voted by proxy.

02:30:19 **Vote:** Motion to table carried 9-1 by voice vote with Sen. Kaufmann voting no. Sen. Ankney and Sen. Brenden were excused.

EXECUTIVE ACTION ON SB 118

02:30:47 **Motion:** Sen. Hamlett moved that **SB 118 DO PASS.**

02:30:59 **Motion/Vote:** Sen. Hamlett moved that **SB 118 BE AMENDED.** Motion carried 11-0 by voice vote. Sen. Ankney voted by proxy. Sen. Brenden was excused.

02:31:54 **Motion:** Sen. Hamlett moved that **SB 118 DO PASS AS AMENDED.**

Discussion:

02:32:03 Chairman Vincent
02:32:45 Sen. Phillips

02:32:58 Sen. Ankney entered the hearing.

02:33:13 Sen. Hamlett

02:35:38 **Vote:** Motion carried 6-5 by roll call vote with Sen. Ankney, Sen. Kaufmann, Sen. Keane, Sen. Ripley and Sen. Vincent voting no. Sen. Brenden was excused.

EXECUTIVE ACTION ON SB 273

02:36:28 **Motion:** Sen. Fielder moved that **SB 273 DO PASS.**

Discussion:

02:36:41 Sen. Keane
02:36:57 Sen. Fielder
02:37:59 Chairman Vincent
02:39:19 Sen. Hamlett

02:39:45 **Vote:** Motion failed 4-8 by roll call vote with Sen. Brenden, Sen. Fielder, Sen. Hamlett and Sen. Hoven voting aye. Sen. Brenden voted by proxy.

02:40:42 **Motion/Vote:** Sen. Keane moved that **SB 273 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote of those present and voting.

HEARING ON SB 355

Opening Statement by Sponsor:

02:41:27 Sen. Duane Ankney (R), SD 20, opened the hearing on SB 355, Revise brownfield site clean up eligibility laws.

EXHIBIT(nas37a06)

Proponents' Testimony:

02:47:40 Rep. Bridgett Smith, HD 31
02:48:14 Chris Cerquone, Montana Economic Developers Association (MEDA)
02:52:44 Martin DeWitt, Great Northern Development Corporation (GNDC)
02:56:04 Reuben Vincent, Great Northern Development Corporation (GNDC)
02:58:42 Jason Rittal, president, Montana Economic Developers Association (MEDA)

Opponents' Testimony:

03:00:12 Kathie Bailey, executive director, Snowy Mountain Development Corporation (SMDC)
03:04:39 Brian Obert, executive director, Montana Business Assistance Connection (MBAC)
03:06:38 Jenny Chambers, administrator, Remediation Division, Department of Environmental Quality, (DEQ)
03:11:17 Karen Sweeney, Snowy Mountains Development Corporation (SMDC)

Informational Testimony: None

Questions from Committee Members and Responses:

03:14:16 Sen. Ripley
03:14:36 Ms. Chambers, DEQ

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03:15:33 Sen. Ripley
03:16:26 Sen. Ripley
03:16:31 Ms. Chambers
03:16:59 Sen. Ripley
03:17:30 Ms. Chambers
03:17:56 Sen. Ripley
03:18:33 Mr. DeWitt, GNDC
03:19:53 Sen. Ripley
03:20:07 Mr. DeWitt
03:20:24 Mr. Cerquone, MEDA
03:21:29 Sen. Ripley
03:21:51 Ms. Chambers
03:22:41 Sen. Ripley
03:22:52 Ms. Chambers
03:23:31 Sen. Keane
03:24:13 Ms. Chambers
03:25:22 Sen. Keane
03:26:02 Ms. Chambers
03:26:11 Sen. Keane
03:26:27 Ms. Chambers
03:26:41 Sen. Hamlett
03:27:24 Sen. Ankney
03:27:27 Sen. Fielder
03:27:48 Ms. Bailey, SMDC
03:30:06 Sen. Fielder
03:30:15 Ms. Bailey

Closing by Sponsor:

03:30:47 Sen. Ankney

Committee Business:

03:34:02 Chairman Vincent
03:35:35 Sen. Phillips
03:35:45 Sen. Fielder
03:36:35 Sen. Keane
03:36:45 Sen. Kaufmann
03:37:25 Chairman Vincent

ADJOURNMENT

Adjournment: 6:46 P.M.

Taylor Fridrich, Secretary

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Additional Documents:

EXHIBIT([nas37aad.pdf](#))